

Patrick Selvey

From: Patrick Selvey
Sent: Tuesday, September 13, 2022 6:21 PM
To: Emma Catherine; Nicholas Goodman
Cc: Ahmad Keshavarz
Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Emma,

We spoke at length last week regarding Defendant's requirement that you provide a settlement demand before we can commit to engaging in mediation, a position we confirmed again by email yesterday, in response to which you promised to "endeavor" to do so by the close of business today. I thought we had come to an understanding on this point, as partially reflected in our email exchanges, but it seems I was mistaken. Allow me to clarify:

- Defendants do not, and will not, agree to mediation before Mr. DiBenedetto, period.
- Defendants do not, and will not, commit to or schedule mediation in the absence of a good faith settlement demand from Plaintiff.
- Assuming our clients find Plaintiff's demand sufficiently reasonable to allow for potentially productive mediation, we will respond with proposed alternative neutrals forthwith.

You have not remotely "been trying to arrange this mediation;" to the contrary, you have ignored our repeated good faith efforts, both orally and by email, to engage with you in a meaningful discussion as a necessary precursor to mediation. Neither I nor Mr. Goodman have ever, in our many combined decades of civil litigation, been met with such an obstinate refusal on the part of a plaintiff to simply state a settlement demand coupled with such an adamant insistence on dictating the terms of mediation. The bottom line is that in the absence of a demand there exists no basis for further discussion.

This is not complicated. We do not need your comprehensive evaluation of your client's case. We just need a settlement demand, a dollar figure, so that we and our clients can gauge the utility of mediation. If you and your client really are interested in mediation, then state a demand by close of business tomorrow. If you do not, we will assume that you are no longer interested in the amicable resolution of this case, and we will continue to litigate in accordance with the civil case management plan.

Regards,

Patrick L. Selvey Jr.
Nicholas Goodman & Associates, PLLC
333 Park Avenue South, Suite 3A
New York, New York 10010
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Direct: (917) 386-2705
pselvey@ngoodmanlaw.com

From: Emma Catherine <emma@newyorkconsumerattorney.com>
Sent: Tuesday, September 13, 2022 5:35 PM
To: Patrick Selvey <Pselvey@ngoodmanlaw.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

You have not provided the alternative mediators.

Here is our bottom line – I spoke with Mr. DiBenedetto today and he is available October 7, 12, and 14, 2022. We are also available on those dates. We propose mediating on one of those three dates and exchanging settlement demands per Mr. DiBenedetto's mediation rules a week prior to the mediation.

This is not an invitation to further negotiation on the terms of mediation. We have been trying to arrange this mediation and we are not interested in continuing to go back and forth on this. You have until 5 PM on September 15, 2022 to respond, at which point this offer expires.

Emma Catherine, Esq.

Partner



FDCPA Attorneys: Protecting consumers from
deceptive and unfair debt collection

The Law Office of Ahmad Keshavarz

NOTE OUR ADDRESS HAS CHANGED BACK TO:

16 Court St., Suite 2600, Brooklyn, NY 11241-1026

Cell: (917) 945-9848 Fax: (877) 496-7809

Website: www.NewYorkConsumerAttorney.com

Email: emma@newyorkconsumerattorney.com

From: Patrick Selvey <Pselvey@ngoodmanlaw.com>

Sent: Tuesday, September 13, 2022 5:19 PM

To: Emma Catherine <emma@newyorkconsumerattorney.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Hi Emma,

Will you be providing your demand/evaluation today as previously discussed?

Regards,

Patrick L. Selvey Jr.

Nicholas Goodman & Associates, PLLC

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From: Emma Catherine <emma@newyorkconsumerattorney.com>

Sent: Monday, September 12, 2022 5:07 PM

To: Patrick Selvey <Pselvey@ngoodmanlaw.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Counsel,

Please see ECF text below. This was not an intermediate deadline in the scheduling order, it was an order by the Court to Defendants. And I thought my email made it clear that an extension to you was not warranted, but to avoid any ambiguity we do not consent to such an extension.

Docket Text:

Minute Entry for proceedings held before Judge Jed S. Rakoff:, a telephone conference was held 9-6-2022 without transcription or recording. Ahmad Keshavarz and Emma Catherine of the Law Office of Ahmad Keshavarz for plaintiff and Henry Nicholas Goodman of Nicholas Goodman & Associates, PLLC for defendants were present. In light of the filing of an amended complaint, Defendants are granted leave to withdraw their current motion to dismiss (Dkt. 24) and to file a new motion to dismiss no later than September 30. Answering papers are due 10/14/22, and any reply papers by 10/21/22. Argument shall be on Thursday, 10/27/22 at 4:45 PM. The close of discovery is extended until 12/9/22. The parties are directed to file a new case management plan reflecting these dates, as well as the revised dates set for summary judgment briefing discussed on the call. A final pretrial conference is set for Monday, 1/23/23 at 4:00 PM. Defendants request for referral to a magistrate judge is denied. Defendants are instructed to complete their revised production of documents by end of day on 9/14/22. (Final Pretrial Conference set for 1/23/2023 at 04:00 PM before Judge Jed S. Rakoff., Oral Argument set for 10/27/2022 at 04:45 PM before Judge Jed S. Rakoff.). (Kotowski, Linda)

Emma Catherine, Esq.

Partner



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From: Patrick Selvey <Pselvey@ngoodmanlaw.com>

Sent: Monday, September 12, 2022 5:04 PM

To: Emma Catherine <emma@newyorkconsumerattorney.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Emma,

You did make your position clear that, at the very the least, you would provide a settlement demand range by the end of today.

That said, assuming our clients find that Plaintiff's settlement demand warrants undertaking the time and expense of mediation, we will provide alternative suggested mediators forthwith.

As to discovery deadlines, Mr. Larson explicitly advised the parties that, while Judge Rakoff would not adjourn the discovery end-date again, the parties were free to negotiate any of the intermediate deadlines on consent without need for court involvement. If you are unwilling to extend the courtesy of a reciprocal adjournment then simply come out and say so, but don't hide behind the Court's order.

Pending your response, we will continue to consider your extension request.

Regards,

Patrick L. Selvey Jr.
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From: Emma Catherine <emma@newyorkconsumerattorney.com>
Sent: Monday, September 12, 2022 4:27 PM
To: Patrick Selvey <Pselvey@ngoodmanlaw.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>
Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>
Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Counsel,

I made our position on making a settlement demand clear to you when we spoke on Friday. However, I will endeavor to get you our analysis of the value of this case by tomorrow. Will you be providing alternative mediators to Joseph DiBenedetto as you stated during the same phone call?

You have been ordered by the Court to provide supplemental documents by Wednesday. We do not have the power to grant you an extension even if we deemed one proper, which we do not considering your responses were due 3 weeks ago.

Emma Catherine, Esq.
Partner



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Sent: Monday, September 12, 2022 4:13 PM

To: Emma Catherine <emma@newyorkconsumerattorney.com>; Nicholas Goodman <Ngoodman@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: RE: Farah Jean Francois - request for one week extension to answer discovery to September 19

Hi Emma,

Can we still expect Plaintiff's settlement demand by end of the day today as you indicated on Friday?

Meanwhile, further to our discussion Friday, I can now confirm that we will accept service on behalf of all the Defendants in newly named in Plaintiff's Amended Complaint.

As to your extension request, Defendants consent to extending Plaintiff's deadline to September 19 provided that Plaintiff reciprocally extends Defendants' deadline to supplement their responses to Plaintiff's Request for Production of Documents to September 19th as well.

Regards,

Patrick L. Selvey Jr.

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From: Emma Catherine <emma@newyorkconsumerattorney.com>

Sent: Monday, September 12, 2022 10:31 AM

To: Nicholas Goodman <Ngoodman@ngoodmanlaw.com>; Patrick Selvey <Pselvey@ngoodmanlaw.com>

Cc: Ahmad Keshavarz <ahmad@newyorkconsumerattorney.com>

Subject: Farah Jean Francois - request for one week extension to answer discovery to September 19

Good morning,

Based on pressing matters in other cases, we request a one week extension to answer your discovery requests, from the current deadline of today, September 12 to September 19, 2022. Please let us know if you agree to this extension.

Emma Catherine, Esq.
Partner



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